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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/548,707	04/13/2000	Christopher J. Scott Dougall	P966	6702

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EXAMINER

NAJJAR, SALEH

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/548,707	DOUGALL, CHRISTOPHER J. SCOTT	
	<b>Examiner</b>	<b>Art Unit</b>	
	Saleh Najjar	2157	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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1. This action is responsive to the RCE filed on January 5, 2005. Claims 1-20 were canceled. Claims 21-62 were newly added. Claims 21-62 are pending. Claims 21-62 represent systems and methods for a data broadcast system to aid a broadcaster to transmit and receive digital information over existing audio/video broadband.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 21-24, 27-31, 34-44, 47-50, and 53-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Wright et al., U.S. Patent No. 6,442,598.

Wright teaches the invention as claimed including a system and method for delivering web content over a broadcast medium (see abstract).

As to claim 21, Wright teaches A client device comprising:

(a) a display for displaying a program guide transmitted from a server system, the program guide listing a plurality of identifiers, each identifier respectively identifying one of a plurality of content streams transmittable from the server system, and an approximate time of transmission for each such content stream (see figs. 2-6; col. 10, lines 1-40, Wright discloses that a broadcast schedule window is presented to the user having link identifiers for each of a plurality of content streams transmittable to the client);

(b) a graphical user interface for enabling the user of the client device to select one or more of the content streams by selecting the respective client identifier listed in the program guide (see figs. 2-6; col. 10, lines 1-40, Wright discloses that a broadcast

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schedule window is presented to the user having link identifiers for each of a plurality of content streams transmittable to the client);

c) a storage device for storing the selected ones of the plurality of content streams transmitted from the server system (see fig. 4; col. 11, lines 35-65; col. 12, lines 20-50, Wright discloses that a client cache stores the downloaded file packages selected by the filter);

wherein the graphical user interface is operable to enable selective receipt of specific ones of the plurality of content streams by storing in the storage device only those of the content streams transmitted from the server system to the client device that were previously selected by the user, and by ignoring other content streams transmitted from the server system to the client device but not selected by the user, whereby the other content streams are not stored in the storage device (see co. 12, lines 20-50, Wright discloses that a filter ignores content not selected for download by the user and downloads content selected by the user).

As to claim 22, Wright teaches the apparatus of claim 21, wherein the graphical user interface is operable to enable selective receipt of specific ones of the plurality of content streams in the absence of sending any signal from the client device to the server system to initiate transmission of a content stream having an identifier listed in the program guide to the client device (see col. 12, lines 20-50, Wright discloses that once the user sets up the filtering criteria, no input is further needed from the client to download previously selected content).

As to claim 23, Wright teaches the apparatus of claim 21, wherein the graphical user interface is operable to enable selective receipt of specific ones of the plurality of content streams in the absence of sending any signal from the client device to the server system to initiate transmission of a content stream having an identifier listed in the program guide to the client device (see col. 12, lines 20-50, Wright discloses that once the user sets up the filtering criteria, no input is further needed from the client to download previously selected content).

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As to claim 24, Wright teaches the system of claim 21, wherein the client device receives the plurality of content streams and the program guide in a common specified communication mode (see col. 7-8).

As to claim 26, Wright teaches the system of claim 21 above, wherein the graphical user interface is operable to the user's selection for automatically launching a content stream upon its receipt (see col. 11-12, Wright does teach that the content is automatically launched upon download completion).

However, "Official Notice" is taken that the concept and advantages of graphically providing a selective indication for automatically launching the content stream upon download completion is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wright by providing

Claims 27-31, 33-44, 46-50, and 52-54 do not teach or define any new limitations above claims 21-24, and 26 and therefore are rejected for similar reasons.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 25, 32, 45, and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright et al., U.S. Patent No. 6,442,598.

Wright teaches the invention substantially as claimed including a system and method for delivering web content over a broadcast medium (see abstract).

As to claim 25, Wright teaches the apparatus of claim 21.

Wright fails to teach the limitation wherein the display is operable to display a window the receipt status of the content stream.

However, "Official Notice" is taken that the concept and advantage of providing a graphical display of receipt status of downloaded media is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Wright by specifying a graphical display of receipt status of downloadable media. One would be motivated to do so to provide a graphical feedback of whether the download is complete or not.

Claims 32, 45, and 51 do not teach or define any new limitations above claim 25 and therefore are rejected for similar reasons

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (571)272-4006. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Saleh Najjar

Primary Examiner / Art Unit 2157